

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 12930 of 2005

Between:

Gundla Kunta Chenna Reddy S/o Venkateswar Reddy
R/o Prathipadu Mandal, Guntur District

..... PETITIONER

AND

- 1 The Assistant Commissioner of Endowments, Guntur, Guntur District
- 2 The Manager, Bapatha Chenna Reddy Dharmasatram, Prathipadu, Guntur District
- 3 Sri Gangi Reddy Subba Reddy S/o Parameswar Reddy
R/o Prathipadu Mandal, Guntur District
- 4 Mule Venkataram Reddy S/o Narayana Reddy
R/o Prathipadu Mandal, Guntur District
- 5 Madduri Venkateswar Reddy S/o Chenna Reddy
R/o Prathipadu Mandal, Guntur District
- 6 Sri Gunja Laxminarayana S/o Narasimha
R/o Prathipadu Mandal, Guntur District
- 7 Smt. Karalasa Santhosham W/o Esu Ratnam,
R/o Prathipadu Mandal, Guntur District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st Respondent constituting a non-hereditary Trust Board to Bapathu Chenna Reddy Dharama Satram, Prathipadu, Guntur District by proceedings vide NO. A5/13084/04 dt 08-06-2005 as bad illegal, arbitrary and opposed to law and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.M.VIDYASAGAR

Counsel for the Respondent No.1: GP FOR ENDOWMENTS

Counsel for the Respondent Nos. 2 to 7: --

The Court, at the stage of admission, made the following:

Oral order:-

By the orders impugned in this writ petition, the 1st respondent has constituted a Board of Trustees to Sri Bapatha Chenna Reddy Dharmasatram, Prathipadu, Guntur district

The petitioner contends that the Choultry was constructed by his great grand-father in 1939 with personal funds and no contribution from the public and that it is not a Choultry to which the provisions of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 apply. According to the petitioner, the right of succession to the properties is as per the will of the founder and a settlement deed, according to which, it is discernable that the Choultry is a private trustee. When the Endowment department appointed an Executive Officer for the Choultry in the year 1983, the petitioner's father filed W.P.No. 8863 of 1983. This writ petition was dismissed as well as an appeal there against being W.A.NO. 264 of 1984. Thereafter, the department tried to handover the management of Choultry, on which a suit O.S.No. 337 of 1984 was instituted on the file of learned Principal Senior Civil Judge, Guntur. The suit was decreed by the judgment and decree dated 30-09-1986 declaring that the subject institution to be a private trust. As against the said judgment and decree, the respondents herein filed A.S.No. 4 of 1987. The appeal was allowed by this court by the judgment and decree dated 27-11-2001. Aggrieved thereby, the petitioner preferred L.P.A.No. 9 of 2003. The L.P.A. is admitted, but no interlocutory orders have been passed therein. On this factual background the petitioner states that the action of the respondents in appointing/constituting a Board of Trustees to the Choultry is illegal.

The earlier litigation challenging the appointment of an Executive Officer went against the petitioner and his predecessors in interest. The petitioner also lost in A.S.No. 4 of 1987. No interim orders have been passed in the L.P.A.No. 9 of 2003 preferred by the petitioner. In the circumstances, as at present, there is nothing to support the petitioner's claim that the impugned order is either illegal or patently without jurisdiction. There is a *prima facie* presumption as to the regularity of orders of the Government or Governmental authority and there is no material to displace the

said presumption, at present. There are no merits in the writ petition. The writ petition is, accordingly, dismissed. No costs.

GODA RAGHURAM, J

Dt. 17-06-2005

Pvks/*

To

- 1 The Assistant Commissioner of Endowments, Guntur, Guntur District
- 2 The Manager, Bapatha Chenna Reddy Dharmasatram, Prathipadu, Guntur District
- 3 Sri Gangi Reddy Subba Reddy S/o Parameswar Reddy
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- 7 Smt. Karalasa Santhosham W/o Esu Ratnam,
R/o Prathipadu Mandal, Guntur District

8. 2 CCs. To the learned Government Pleader for Endowments, A.P. High Court Buildings, Hyderabad (OUT)

9. 2 CD copies

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